

EXHIBIT E

**KERN COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE DETERMINATION**

Regarding a Complaint of Harassment and Bullying

Filed by Andrew Bond

Against Daymon Johnson

I. INTRODUCTION

On September 24, 2021, Professor Andrew Bond filed a complaint with the Kern Community College District (the “District”) against Dr. Daymon Johnson. Professor Bond filed the complaint upon receipt of an Administrative Determination on September 24, 2021 from a previous investigation. The results of the previous investigation clarified that Dr. Matthew Garrett, a Professor of History at Bakersfield College, did not make a Facebook post on the Facebook page of the Renegade Institute for Liberty at Bakersfield College (“RIFL”) using content from Professor Bond’s personal Facebook page.

In his September 24, 2021 complaint, Professor Bond alleged that Dr. Johnson, a professor in the History Department at Bakersfield Community College, engaged in harassment and bullying when reposting and commenting on the Facebook post made by Professor Bond on his personal Facebook page. Upon receipt of the complaint from Professor Bond, the District requested an outside investigator conduct an investigation into Professor Bond’s allegations.

II. SUMMARY OF INVESTIGATION

The District engaged Dr. Juanita Webb of J. Webb Consulting to investigate Professor Bond’s allegations. Dr. Webb interviewed Professor Bond and Dr. Johnson and reviewed materials from the Facebook pages of the individuals as well as RIFL. The scope of the interviews was to determine if there was factual support for the allegations regarding the conduct stated in the complaint and identify any desired remedial actions expressed by those interviewed. The District further requested Dr. Webb evaluate whether Dr. Johnson’s comments disrupted harmony amongst coworkers, or interfered with Professor Bond’s job duties, who the comments were directed at and if the comments were false. Dr. Webb applied a preponderance of the evidence standard to the information received to draw conclusions about the incidents and issues presented.

Dr. Webb’s investigation report is thorough, well-reasoned, and objective. Detailed below are the allegations and resulting conclusions.

III. NOTICE OF ADMINISTRATIVE DETERMINATION

A. Findings in Response to Each Allegation

Based on the District's review, the following constitutes the District's findings with regard to each specific allegation contained in the complaint.

ALLEGATION 1 – Dr. Johnson re-posted Professor Bond’s friends-only Facebook post on the RIFL Facebook page with comments. Professor Bond alleged that Dr. Johnson used the RIFL Facebook page to repost the following material from his personal Facebook page: *“Maybe Trump’s comment about shithole countries was a statement of projection because honestly, the US Is a fucking piece of shit nation. Go ahead and quote me, conservatives. This country has yet to live up to the ideals of its founding documents.”*

Professor Bond also alleged that Dr. Johnson commented, “Here’s what one critical race theorists at BC sounds like. Do you agree with this radical SJW from BC’s English Department? Thoughts?” when posting on the RIFL at Bakersfield College.

- **Finding – Sustained:** The investigator found sufficient evidence to support that Dr. Johnson first viewed Professor Bond’s post on the Facebook page of Michael Einhaus, a former Professor of Philosophy at Bakersfield College. Bond and Johnson are not Facebook friends. Bond reposted it to the RIFL Facebook page with the additional comments. The investigator found that the RIFL post from Dr. Johnson was globally accessible and received five reactions, three comments, and one sharing of the post.

ALLEGATION 2 – Dr. Garrett “liked” one of the comments of a negative nature. Professor Bond alleged that Dr. Garrett “liked” the following negative comment added to the post by Dr. Johnson: “Maybe he [Professor Bond] should move to China, and post this about the PRC in general or the Chinese Communist Party and see how much mileage it gets him. I wonder, do they still send the family the bill for the spent round?” Professor Bond stated that Dr. Garrett’s “like” indicated he did not find it offensive. Professor Bond also alleged that the “like” from Dr. Garrett gave the post additional credence and support by RIFL.

- **Finding – Sustained:** The investigator found sufficient evidence to support that Dr. Garett liked the comment.

ALLEGATION 3 –Professor Bond made the original post on his own personal Facebook page approximately 21 months before Dr. Johnson re-posted the information of the RIFL Facebook page. Professor Bond alleged he originally made the post on his personal page on August 22, 2019.

- **Finding – Sustained:** The investigator found sufficient evidence to support that Professor Bond made the original post on August 22, 2019.

ALLEGATION 4 – Dr. Johnson was “doxing” Professor Bond. Professor Bond alleged that Dr. Johnson dredged up the old post and used it to “dox” (searching for and publishing private or identifying information about a specific person, usually with a malicious intent) Professor Bond.

- **Finding – Not sustained, but plausible:** The investigator did not find sufficient information to support that Dr. Johnson’s intent was to dox Professor Bond, but did find that it was a possibility.

ALLEGATION 5 – Dr. Johnson was using the post as a means of retaliation for comments Professor Bond made toward Professor Miller that offended Dr. Johnson. Professor Bond alleged that Dr. Johnson used the post on the RIFL Facebook page to retaliate against him for a complaint Professor Bond previously filed against Dr. Miller.

- **Finding – Not sustained, but plausible:** The investigator did not find sufficient information to confirm retaliation by Dr. Johnson against Professor Bond. The investigator did find that retaliation was a possibility based on the ongoing complaints and legal issues between Professors Bond, Miller, and Dr. Garett.

ALLEGATION 6 – Dr. Johnson prompted readers of the public RIFL Facebook post to respond. Professor Bond alleged that Dr. Johnson prompted readers of the post to respond on the RIFL Facebook page.

- **Finding – Sustained:** The investigator found sufficient information that Dr. Johnson was inciting readers of the post to make harassing comments through words like, “Do you agree...” and “Thoughts?”

ALLEGATION 7 – Dr. Johnson intended to “expose” Professor Bond and connect his personal beliefs with his professional responsibilities. Professor Bond alleged that Dr. Johnson wanted to paint him in a negative light and make it seem that Professor Bond is unable to separate his personal belief from his professional work

- **Finding – Sustained:** The investigator found sufficient information to support that Dr. Johnson wanted to expose Professor Bond and what Dr. Johnson thought were his “radical beliefs.” Dr. Johnson also wanted to connect Professor Bond’s comments about America and Professor Bond’s opposing political views with Professor Bond’s professional role at Bakersfield College.

ALLEGATION 8 – Professor Bond fails to teach “both sides” of issues in his classes. Dr. Johnson alleged that Professor Bond does not teach “both sides” of the

issues in his classes and instead the “alternative views” Professor Bond teaches are “very radical.”

- **Finding – Not sustained:** The investigator did not find sufficient information to support that Professor Bond does not teach both sides of an issue.

ALLEGATION 9 –Dr. Johnson did not make it clear that the post on the RIFL Facebook page was his own personal opinion and not associated with Bakersfield College or RIFL in any way. Professor Bond alleged that Dr. Johnson posted the content under the legitimacy of the RIFL page with the Bakersfield College’s name attached to it.

- **Finding – Sustained:** The investigator found sufficient information to support that Dr. Johnson did not make it clear that the post was a personal belief and not the opinion of RIFL or Bakersfield College.

ALLEGATION 10 – Professor Bond and Dr. Johnson define the term “critical race theorist” differently. Professor Bond alleged that Dr. Johnson used the label “critical race theorist” in a pejorative way. Professor Bond alleged that Dr. Johnson’s use of the term “critical race theorist” is inaccurate and out of context because Professor Bond is not a lawyer or legal scholar who applies race issues to legal policy or legislation

- **Finding – Not sustained, but plausible:** The investigator did not find sufficient evidence to show that Dr. Johnson and Professor Bond defined the terms differently, but based on their positions determined that it is possible.

ALLEGATION 11 – Dr. Johnson was eliciting reaction from readers of the RIFL Facebook post. Professor Bond alleged that Dr. Johnson used the terms “radical SJW”¹ and “critical race theorist” to “push buttons” of more conservative readers.

- **Finding – Sustained:** The investigator found sufficient information to confirm that Dr. Johnson was eliciting reactions from readers when using those terms.

ALLEGATION 12 – Dr. Johnson has used labels and name-calling toward others with whom he disagrees, as well as toward Professor Bond on a public forum. Professor Bond alleged that Dr. Johnson used name-calling in a similar way as red-baiting (the cold-war practice of harassing or persecuting (someone) on account of known or suspected communist sympathies) and he does so to create negative associations.

- **Finding – Sustained:** The investigator found sufficient information to confirm that Dr. Johnson used name-calling on public forums.

¹ This apparently refers to the term “social justice warrior.”

ALLEGATION 13 – Dr. Johnson relied on inferences and not factual statements leading to a false statement about Professor Bond in the RIFL Facebook post, according to Professor Bond. Professor Bond alleged that Dr. Johnson falsely called him a critical race theorist.

- **Finding – Sustained:** The investigator found sufficient evidence to support that Dr. Johnson's comments were inferences and not based in facts and Dr. Johnson incorrectly called Professor Bond a critical race theorist according to Professor Bond.

ALLEGATION 14 – Professor Bond was offended that Dr. Johnson described his personal views incorrectly. Dr. Johnson admitted he would also be offended in a similar situation. Professor Bond stated he was offended and uncomfortable with the mischaracterization of his personal beliefs.

- **Finding – Sustained:** The investigator found sufficient evidence to confirm both Professor Bond and Dr. Johnson's offense and discomfort with incorrect descriptions of their personal beliefs.

ALLEGATION 15 – Neither the RIFL webpage nor the SJI webpage on the Bakersfield College website have a disclaimer that information on the site may be personal opinions and not a reflection of the institute or Bakersfield College. Professor Bond alleged that the RIFL appears to be an official entity of Bakersfield College and hides behind the “at Bakersfield College” designator in the organization’s name when they want to avoid responsibility. He also alleges their webpage, which is accessible through the official Bakersfield College website, does not have a disclaimer that the comments and positions expressed on the webpage are not that of Bakersfield College.

The Social Justice Institute (“SJI”), another campus group with opposing political beliefs to RIFL, also has a website accessible through the official Bakersfield College Website.

- **Finding – Sustained:** The investigator found sufficient information to confirm that neither the RIFL webpage nor the SJI webpage have disclaimers regarding the information on the page as personal opinion and not statements of Bakersfield College.

ALLEGATION 16 – Neither the SJI Facebook page nor the RIFL Facebook page have a disclaimer regarding personal opinion of the person writing the post. The RIFL Facebook page does state that the individual members of the RIFL may not necessarily embrace or agree with all posts appearing on their page.

- **Finding – Sustained:** The investigator found sufficient evidence to support that neither the SJI nor the RIFL Facebook pages have disclaimers regarding personal

opinion. The investigator noted in her report that there is a post pinned on the RIFL Facebook page from May 16, 2020 stating that members may not agree with all posts.

ALLEGATION 17 –RIFL has not corrected the name of their organization on the RIFL Facebook page, thus continuing to associate the RIFL and its comments with Bakersfield College. Professor Bond alleged that RIFL's previous name was "Bakersfield College Liberty Institute" and the group was required to change their name.

- **Finding – Sustained:** The investigator found sufficient information to support that Dr. Johnson and Dr. Garrett, as co-administrators of the RIFL Facebook page have not changed its name.

ALLEGATION 18 – Dr. Johnson violated the standards related to insults, accusations, and trolling established on the RIFL Facebook page. The RIFL Facebook page has a pinned post stating that insults, accusations, and trolling are not welcome. Professor Bond alleged that no one on the RIFL Facebook page held Dr. Johnson accountable to those standards.

- **Finding – Sustained:** The investigator found sufficient evidence to support that Dr. Johnson's comments in the May 11, 2021 post about Professor Bond being a radical Social Justice Warrior and critical race theorist violated the standards of the Facebook page and that Dr. Johnson is a co-administrator of that Facebook page.

ALLEGATION 19 – Dr. Johnson did not identify, as Dr. Johnson claims is obligatory, that the May 11, 2021, RIFL Facebook post about Professor Bond was a personal opinion and not a professional commentary. Dr. Johnson stated that when a claim is made that is a personal opinion, one is obligated to state that it is an opinion and not a professional commentary.

- **Finding – Sustained:** The investigator found sufficient information to support that Dr. Johnson did not state that the comments were his personal opinion and not professional commentary. The investigation did not make any finding regarding the underlying alleged "obligation" to state what is an opinion and what is commentary.

ALLEGATION 20 - Dr. Johnson did not follow his own belief regarding the protocol to work out a disagreement with a co-worker. Dr. Johnson stated it was his belief that the protocol was to attempt to work out a disagreement with a co-worker directly.

- **Finding – Sustained:** The investigator found sufficient information to support that Dr. Johnson did not go directly to Professor Bond to work out the disagreement they had about Professor Bond's comments on the friends-only

Facebook post or about his alleged comments about Professor Miller. The investigation did not make any finding regarding the underlying alleged “protocol” to attempt to work out a disagreement directly.

ALLEGATION 21 – Dr. Johnson connected the personal comments of Professor Bond with his professional responsibilities as a Professor of English at Bakersfield College. Dr. Johnson acknowledged that he connected Professor Bond’s Facebook post with his professional responsibilities.

- **Finding – Sustained:** The investigator found sufficient information to support that Dr. Johnson connected the personal comments of Professor Bond with his professional responsibilities

ALLEGATION 22 – Dr. Johnson knew his comments on the post were, at least, “impolite.” Dr. Johnson stated that he knew the comments were at least impolite.

- **Finding – Sustained:** The investigator found sufficient information to support that Dr. Johnson knew the comments were impolite.

ALLEGATION 23 – Both Dr. Johnson and Professor Bond believed they had a cordial work relationship prior to the May 11, 2021, post by Dr. Johnson. Professor Bond and Dr. Johnson both stated they had a cordial relationship prior to the May 11, 2021 post.

- **Finding – Sustained:** The investigator found sufficient evidence to support that Professor Bond thought he and Dr. Johnson had a causal work relationship and Dr. Johnson thought he and Professor Bond had a “cordial” relationship.

ALLEGATION 24 – There was a lively debate on Professor Miller’s Facebook page approximately two years ago regarding social justice issues. Dr. Johnson stated that he and Professor Bond had a lively debate regarding social justice issues.

- **Finding – Sustained:** The investigator found sufficient information to support that there was a lively debate between Dr. Johnson and Professor Bond on Professor Miller’s Facebook page.

ALLEGATION 25 – Dr. Johnson took the comments made during the debate regarding Professor Miller “personally.” Dr. Johnson stated that he took the comments about Professor Miller personally.

- **Finding – Sustained:** The investigator found sufficient information to support that Dr. Johnson took the comments personally.

ALLEGATION 26 – Professor Bond avoids co-workers due to the ongoing current issues. Professor Bond stated that he avoids faculty members who associate with RIFL.

- **Finding – Sustained:** The investigator found sufficient information to support that Professor Bond avoids co-workers in RIFL.

ALLEGATION 27 – Students are followers on the RIFL Facebook page and have access to the posts on the page. Professor Bond expressed concern that students are included as followers on the RIFL Facebook page and can see the negative comments made about him.

- **Finding – Sustained:** The investigator found sufficient evidence to confirm that students had access to the RIFL Facebook page and can see the negative comments.

ALLEGATION 28 – Professor Bond has withdrawn from work activities for fear of being a target. Professor Bond stated that he withdrew from providing additional services for students in an effort to remove that “target” from these individuals or groups that his involvement may bring because of the ongoing issues.

- **Finding – Sustained:** The investigator found sufficient evidence to support that Professor Bond has withdrawn from work activities.

ALLEGATION 29 – Professor Bond resigned as a Union Representative. Professor Bond stated he resigned as a Union Representative because of the issues with RIFL and Dr. Garrett.

- **Finding – Sustained:** The investigator found sufficient information to support the impact on Professor Bond including that he resigned as Union Representative.

B. Actions Taken, if Any, in Prevention of Future Instances

The investigator found that Dr. Johnson did post Professor Bond’s personal Facebook post to the RIFL Facebook page, which is public for anyone to view. Dr. Johnson’s intent was to expose Professor Bond’s personal views and connect those views to his role as a professor at Bakersfield College. Dr. Johnson did aim to encourage comments and responses from other RIFL members. Given the relationship of Dr. Johnson and Professor Miller and the ongoing events between Professor Miller and Professor Bond, there may be additional motivations behind the reposting. However, the investigator did not find that Dr. Johnson intended to retaliate against Professor Bond. Further, the investigation revealed no evidence that Dr. Johnson took any of these actions in his role as a Kern Community College District employee.

The investigator also found Dr. Johnson did not discuss critical race theory or social justice issues with Professor Bond before posting and based his statements on inferences rather than fact. Dr. Johnson did not disclaim that the post was his own opinion and not the position of RIFL or Bakersfield College. The RIFL

Facebook and webpage do not have disclaimers clarifying that posts are the opinion of the poster and not the group as a whole. The association of RIFL with Bakersfield College gives the appearance that Bakersfield College supported the statements made by Dr. Johnson.

As a result of these events, Professor Bond has withdrawn from his role as Union Representative and limited his activities with students to avoid additional issues.

The District will investigate any further complaints of harassment and bullying and, if applicable, will take appropriate remedial action including but not limited to any discipline determined to be appropriate.

C. Proposed Resolution of the Complaint

Because there were no findings to support a cause for discipline under the Education Code, the District concludes that no further action will be taken regarding this complaint.

Thank you for cooperating with the District's investigation in this matter. Please contact Suzanne Galindo at sgalindo@kccd.edu with any questions.